



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145)
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: 20 December 2006
EXPIRATION DATE: 19 January 2007
REFERENCE NUMBER: POA-1993-425-S
WATERWAY: St. Herman Harbor

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: City of Kodiak, 2410 Mill Bay Road, Kodiak, AK 99615-6635.

AGENT: Ms. Jennifer Lundberg, PND Engineers, Incorporated, 1506 West 36th Avenue, Anchorage, Alaska 99503; (907) 561-1011.

LOCATION: The proposed project is located within Section 6, T. 28 S., R. 19 W., Seward Meridian; Latitude 57.775° N., Longitude 152.415° W.; at St. Herman Harbor, on Near Island, near Kodiak, Alaska.

PURPOSE: To provide large vessel boat lift operations within the City of Kodiak.

WORK: Redesign an existing bulkhead facility to include a boat lift facility with a wash-down area to accommodate the removal of large vessels (up to 180-foot long).

Sheet Pile Bulkhead: A sheet pile bulkhead measuring 750-linear feet would be placed and a total of 35,000 cubic yards of material used as backfill. This would construct a 70-foot by 330-foot fill boat lift dock and an additional 140-foot by 230-foot fill dock used to maneuver the boat haul out equipment. A total of 45,000 square feet (1.03 acres) below the high tide line would be impacted by the proposal.

Pile Supported Dock: A 20-foot by 150-foot pile supported dock would be placed and supported by 24 driven steel piles. Ten 2-pile fenders would be placed on the outside face of the dock and twenty single-pile fenders would be placed along the dredged entrance channel to provide vessel mooring and staging.

Dredging: A total of 7,000 cubic yards of material would be dredged from a 15,000 square foot area (0.34 acres) adjacent to the proposed

pile supported dock to bring the depth to -22 feet mean lower low water (MLLW, 0.0 feet elevation) to accommodate boat haul out activities (the dredged material would be used as backfill behind the sheet pile bulkhead).

Salvaged Armor Rock: A total of 1,000 cubic yards of armor rock would be relocated to either end of the proposed sheet pile bulk head to two areas measuring approximately 50-foot by 70-foot (500 cubic yards placed at each site).

Outfalls: Three 24-inch diameter outfalls would be placed to drain the proposed upland wash down area. A total of 250 cubic yards of material would be excavated and backfilled to place the pipes.

ADDITIONAL INFORMATION: A 60-foot by 200-foot wash down area is proposed to be constructed in uplands and wash water would be discharged into the existing sanitary sewer. Storm water would be discharged through an oil/water/grit separator. The wash down pad would be uncovered and wash water would be kept separate from storm water with the use of magnetic mats that seal the separate collection basins. Also, blasting would be required to remove bedrock from a 40-foot by 600-foot uplands area located adjacent to St. Herman Harbor.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views

of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a federal Fishery Management Plans. We have reviewed the National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/112/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2005) to locate and identify HAPC in the vicinity of the proposed action.

We have determined that the described activity at the proposed location may adversely affect EFH. The proposed work may affect approximately 1.54 acres of EFH for salmon, groundfish, crab, scallops, etc. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects

thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Serena Sweet at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at serena.e.sweet@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

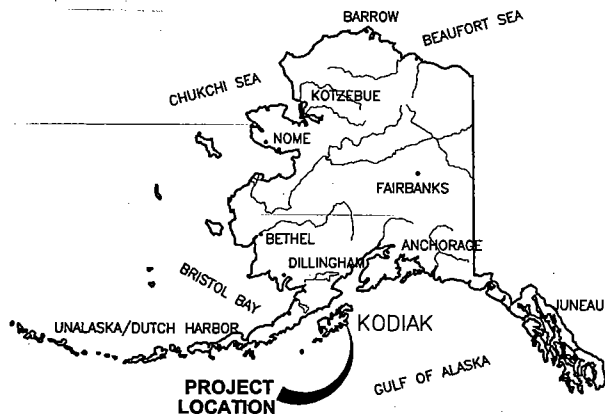
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

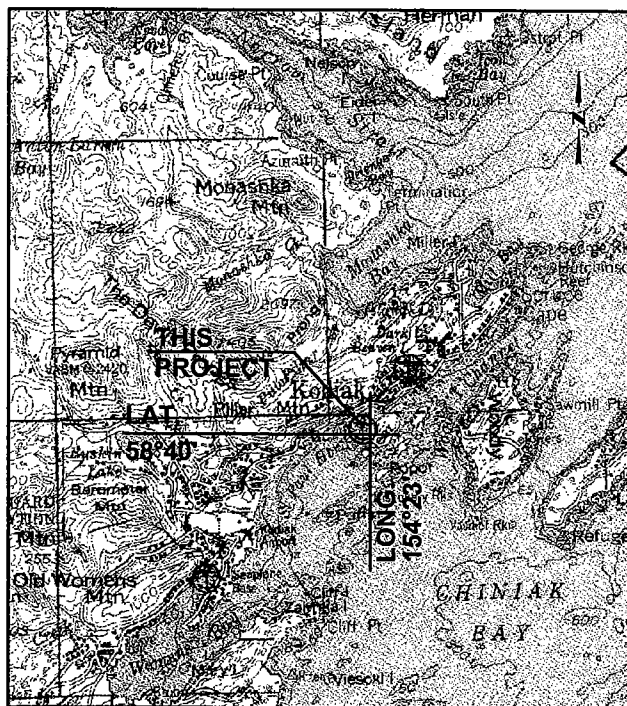
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



STATE OF ALASKA



USGS QUADS, KODIAK 250K

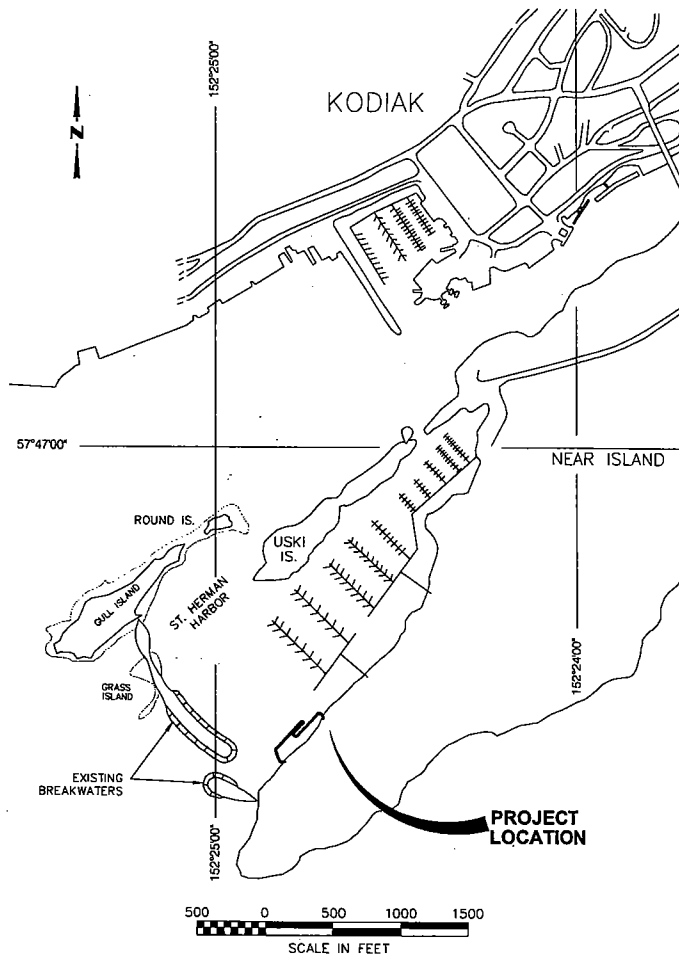
LOCATION MAP

SCALE (MILES)



TIDE DATA

	FEET
EXTREME HIGH WATER	13.4
HIGH TIDE LINE (HTL)	10.6
MEAN HIGHER HIGH WATER	8.5
MEAN HIGH WATER	7.6
MEAN LOWER LOW WATER	0.0



VICINITY MAP

PURPOSE: PROVIDE DOCK FOR
BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

VICINITY MAP

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

NOV. 2006

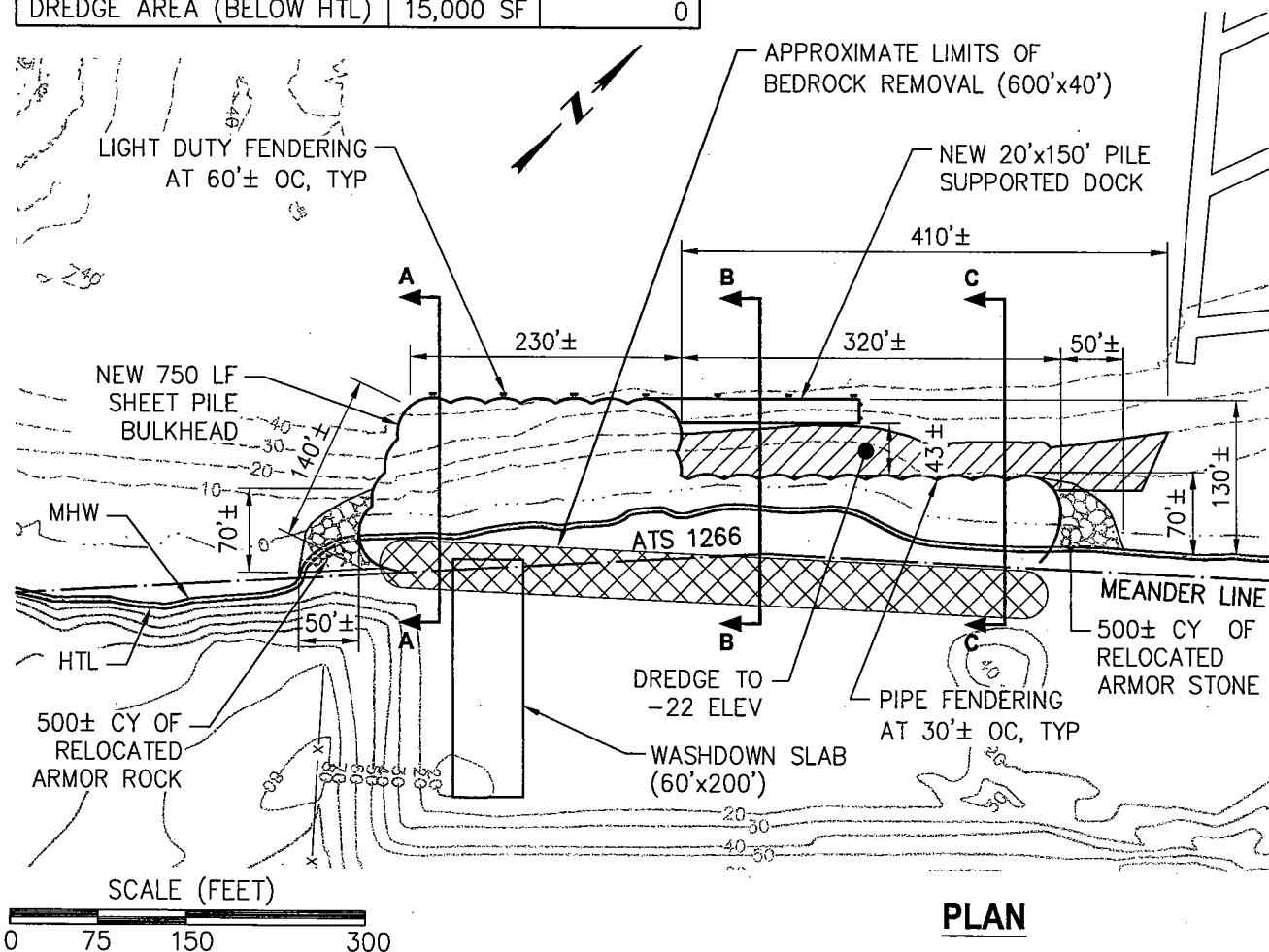
SHEET 1 of 9

POA-1993-425-S

ESTIMATE OF QUANTITIES	PROPOSED	CURRENTLY PERMITTED
FILL (BELOW MHW: 7.6' TYP)	30,000 CY	N/A
FILL (BELOW HTL: 10.6' TYP)	35,000 CY	15,250 CY*
AREA (BELOW MHW)	40,000 SF	N/A
AREA (BELOW HTL)	45,000 SF	33,000 SF*
ARMOR ROCK AND FILTER ROCK (BELOW HTL)	1,000 CY **	3,000 CY
DREDGE VOL (BELOW MHW)	7,000 CY	0
DREDGE VOL (BELOW HTL)	7,000 CY	0
DREDGE AREA (BELOW MHW)	15,000 SF	0
DREDGE AREA (BELOW HTL)	15,000 SF	0

* CURRENTLY PERMITTED QUANTITIES REPRESENT TOTAL AMOUNTS. PREVIOUS PERMITS DID NOT IDENTIFY QUANTITIES BELOW MHW OR HTL.

** PROPOSED CONCEPT RESULTS IN NET LOSS ARMOR STONE DUE TO CONSTRUCTION OF BULKHEAD OVER EXISTING ARMOR STONE. APPROXIMATE 1000 CY WILL BE SALVAGED FROM EXISTING ARMOR ON-SITE.



PURPOSE: PROVIDE DOCK FOR BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

SITE PLAN

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

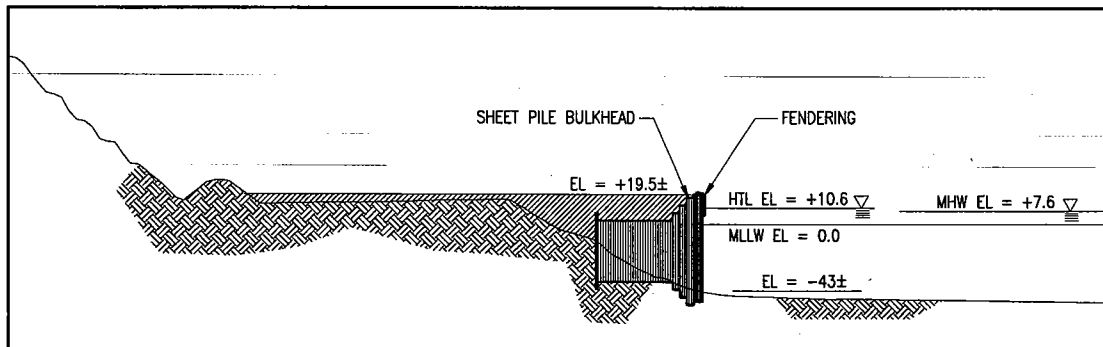
ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

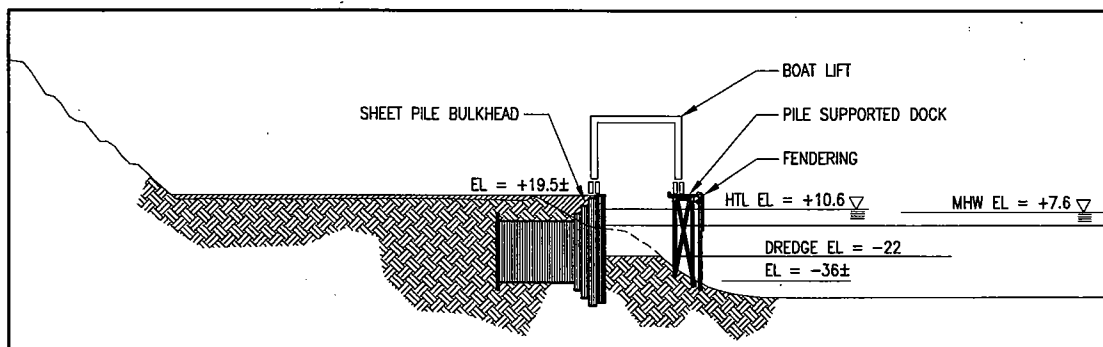
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SHEET 2 of 9

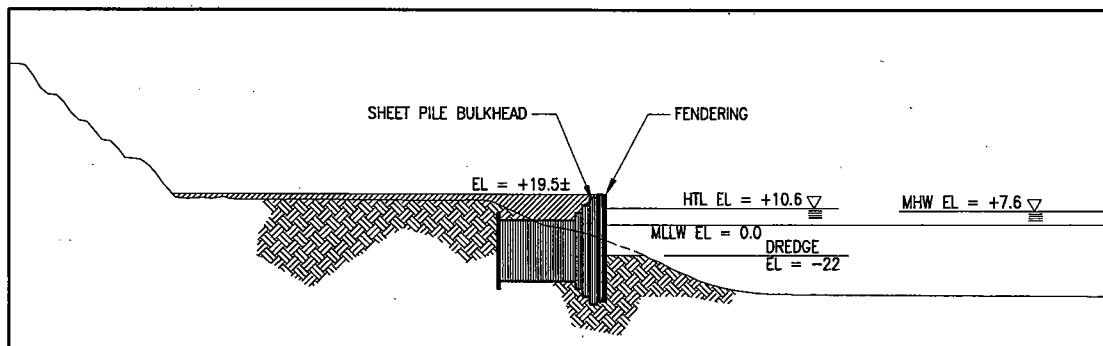
POA-1993-425-S



SECTION A-A



SECTION B-B



SECTION C-C

PURPOSE: PROVIDE DOCK FOR
BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

SECTIONS

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

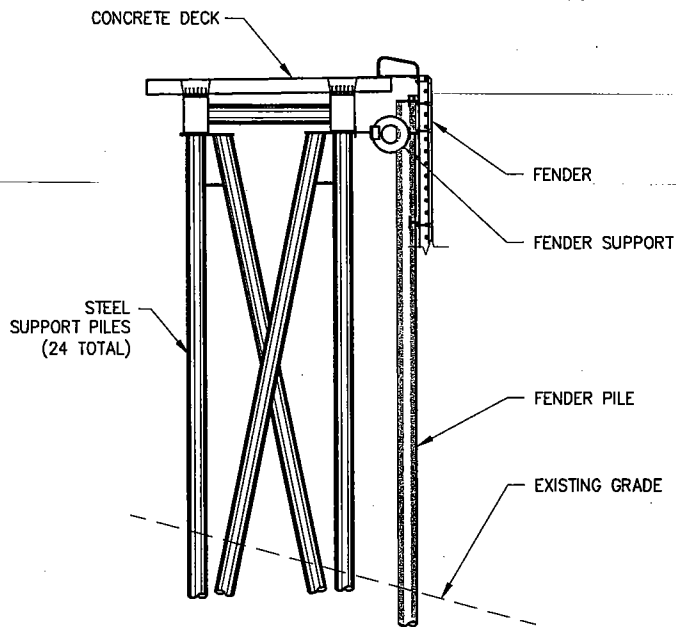
ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

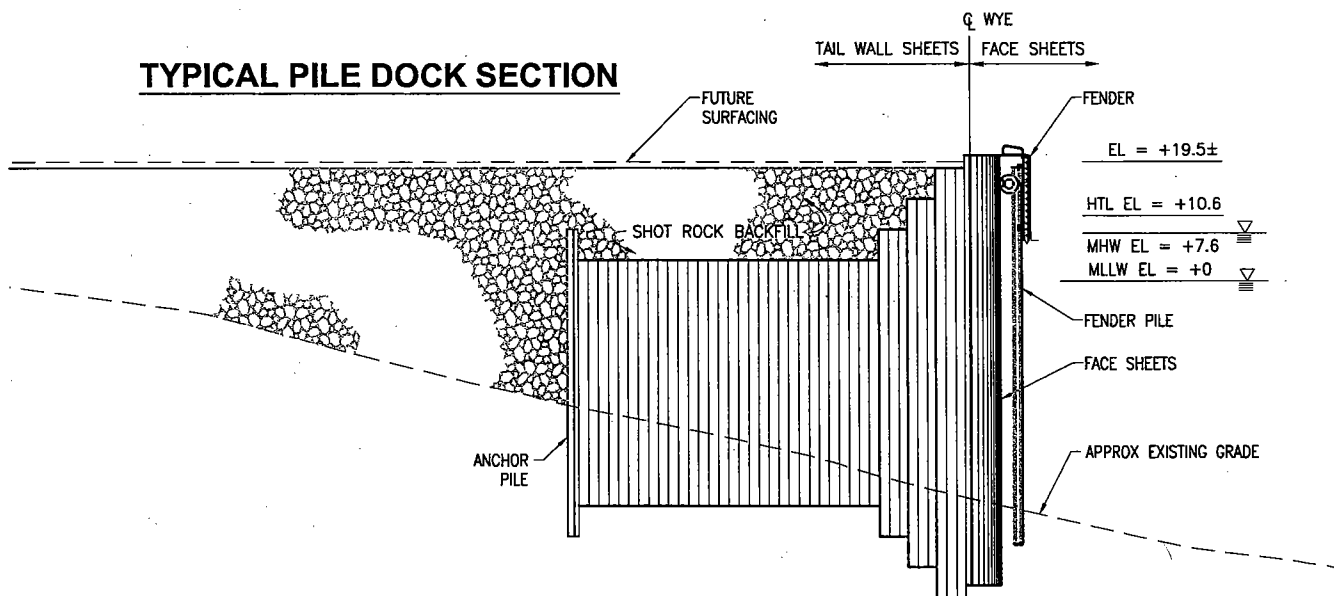
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POA-1993-425-S



TYPICAL PILE DOCK SECTION



TYPICAL OPEN CELL DOCK SECTION

PURPOSE: PROVIDE DOCK FOR
BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

SECTIONS

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

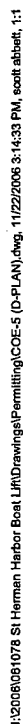
ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

NOV 2006

SHEET **4** of **9**

* ENTIRE STORMWATER AND WASHWATER COLLECTION SYSTEM IS PROPOSED



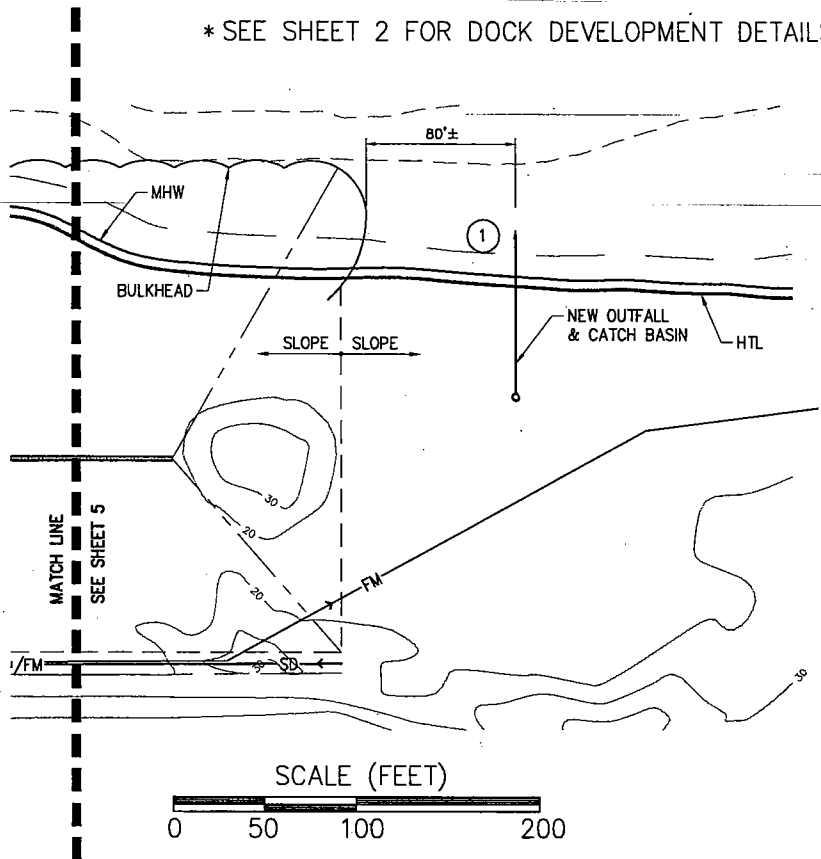
TIDAL DATUM: MLLW = 0'
ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA_____

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

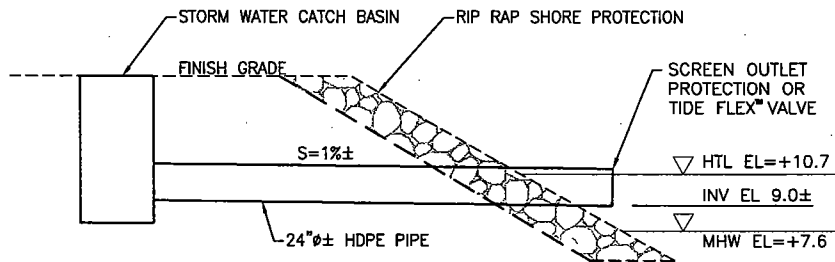
IN: KODIAK, AK.

NOV 2006 SHEET 5 of 9

* SEE SHEET 2 FOR DOCK DEVELOPMENT DETAILS



OUTFALL ITEMS	BELOW MHW		BELOW HTL	
	EXCAVATION	BACKFILL	EXCAVATION	BACKFILL
①	60 CY	60 CY	70 CY	70 CY
②	50 CY	50 CY	60 CY	60 CY
③	100 CY	100 CY	120 CY	120 CY



TYPICAL OUTFALL SECTIONS

PURPOSE: PROVIDE DOCK FOR
BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

UPLANDS DEVELOPMENT

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK: 99615

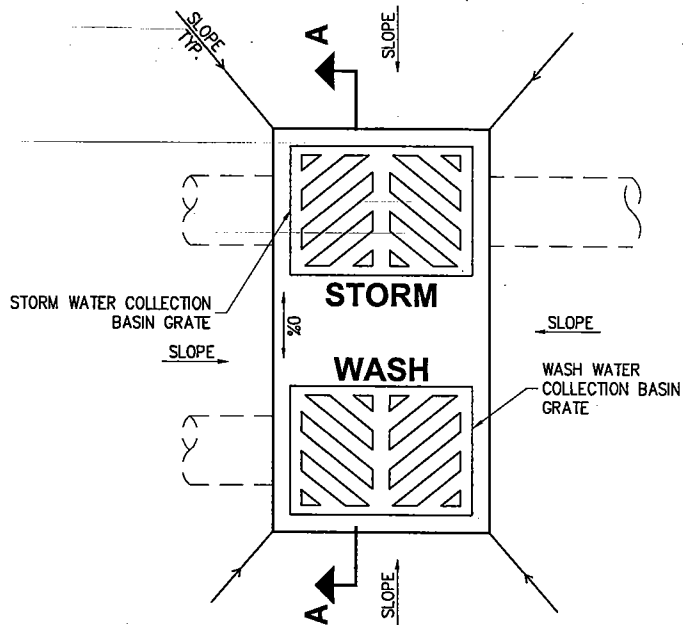
ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

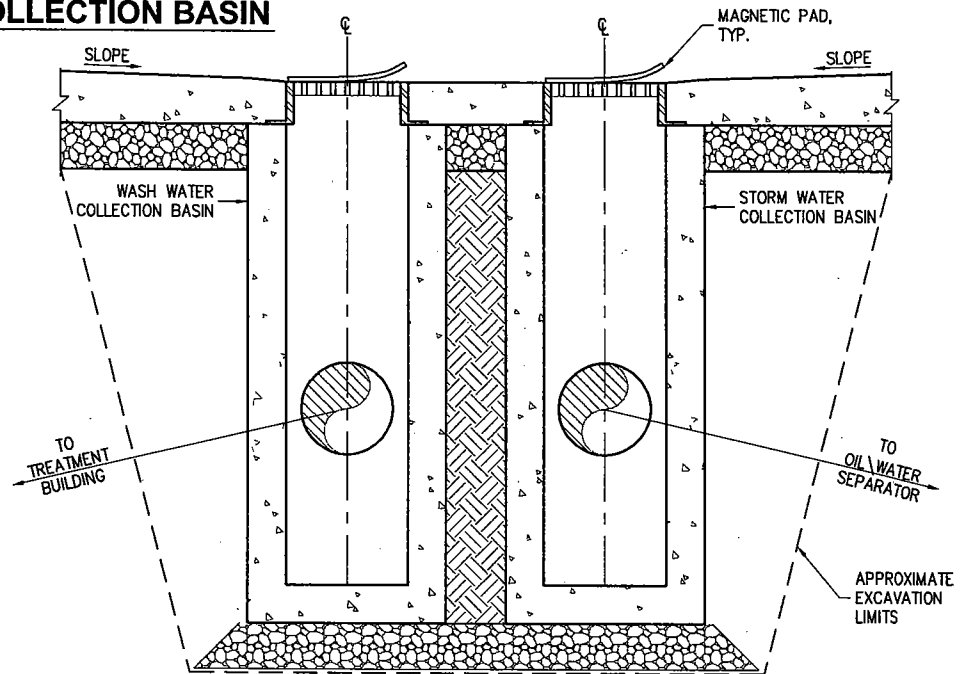
NOV 2006

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POA-1993-425-S



WATER COLLECTION BASIN



SECTION A-A

PURPOSE: PROVIDE DOCK FOR
BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

WASHDOWN SLAB PLAN

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

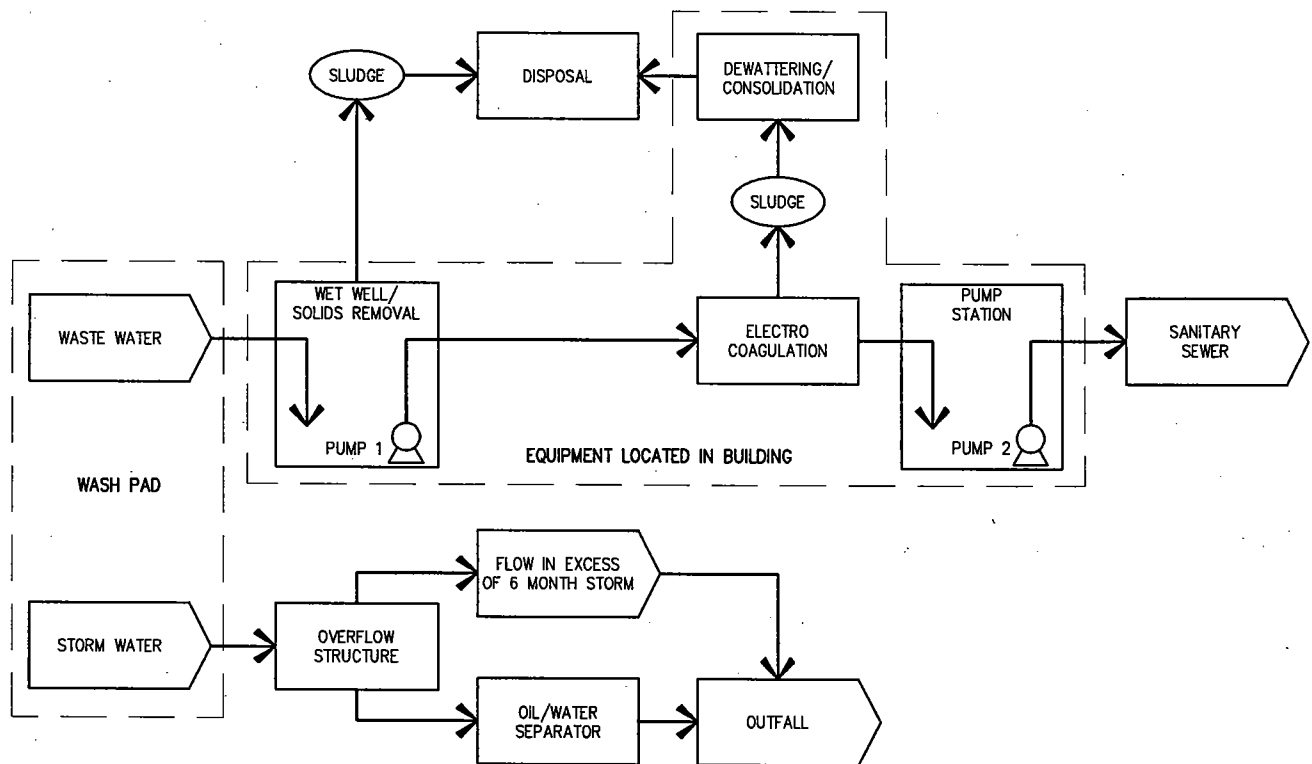
ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

NOV-2006

SHEET 7 of 9

POA-1993-425-S



TREATMENT SCHEMATIC

PURPOSE: PROVIDE DOCK FOR
BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

SITE DRAINAGE FLOW DIAGRAM

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

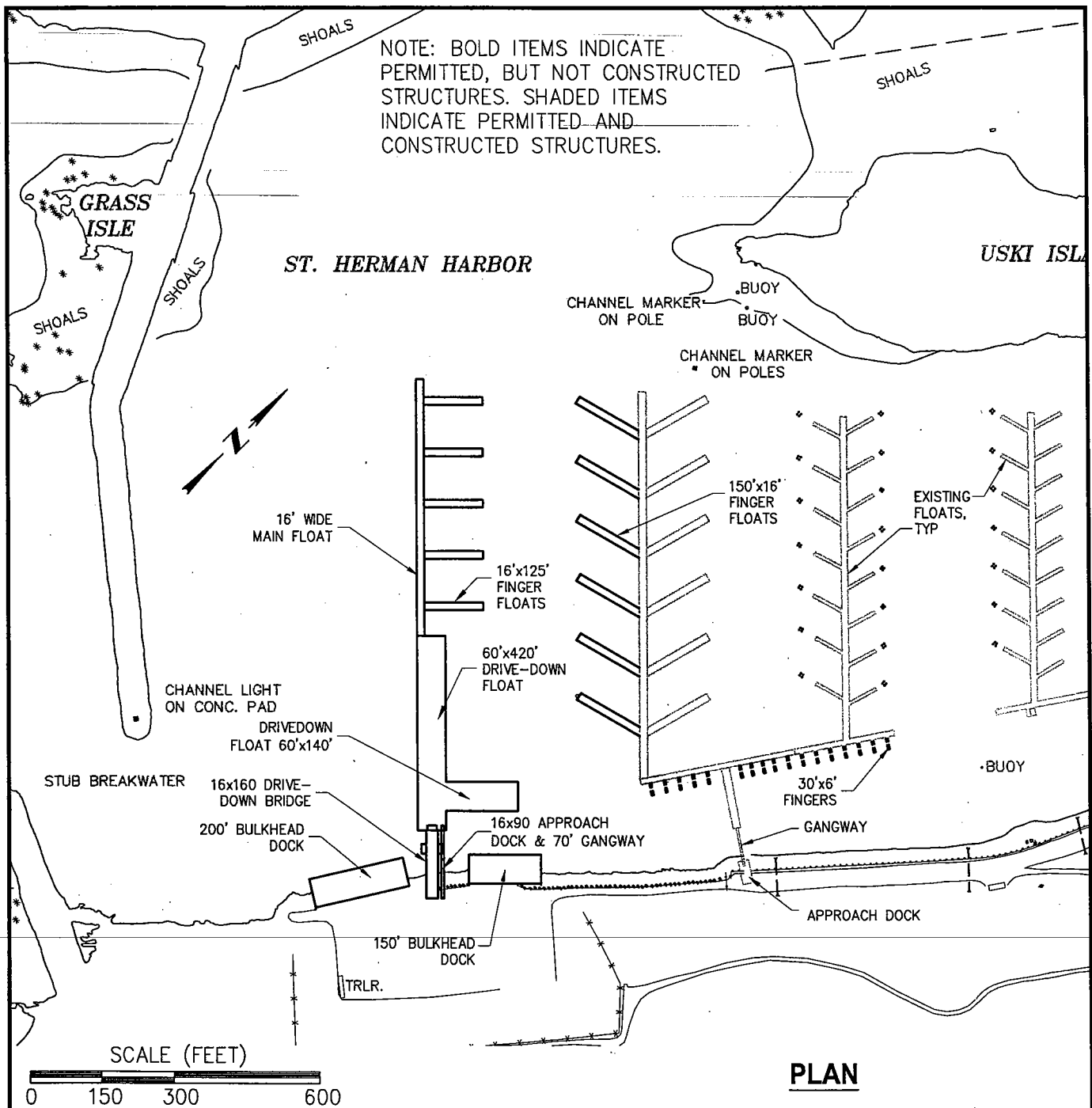
ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

NOV 2006

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POA-1993-425-S



PURPOSE: PROVIDE DOCK FOR BOAT LIFT OPERATION.

TIDAL DATUM: MLLW = 0'

ADJACENT PROPERTY OWNERS:
CITY OF KODIAK
STATE OF ALASKA

PREVIOUSLY PERMITTED SITE PLAN

CITY OF KODIAK
P.O. BOX 1397
710 UPPER MILL BAY ROAD
KODIAK, AK. 99615

ST. HERMAN HARBOR BOAT LIFT FACILITY

IN: KODIAK, AK.

NOV 2006

SHEET **9** of **9**

POA-1993-425-S



CEPOA-CO-R-E
MEMORANDUM FOR RECORD



SUBJECT: Enclosure 1

SUMMARY: The following is a listing of permit modifications associated with permit number POA-1993-425-2, St. Herman Bay 1, which was authorized on June 12, 1995:

- **June 12, 1995:** Permit number **POA-1993-425-2** is issued to retain approximately 22,500 cubic yards of fill material and to discharge approximately 18,250 cubic yards of additional fill within the existing fill footprint and an additional 0.09 acres footprint for construction of a 350 lineal foot solid-filled bulkhead and retention of the 30-foot crown-width quarry access road. Total project fill footprint is 1.49 acres. To construct and install 670 lineal feet of steelpile supported pier and 2,440 lineal feet of mooring floats, for the purpose of providing for additional moorage for commercial and recreational vessels. The bulkhead will berth larger-fishing vessels and provide an area for transshipment of materials. The project time limit to complete the work ends on April 30, 1998.
- **January 20, 1998:** Permit modification number **POA-1993-425-M** is issued to extend the project time limit to complete the work until April 30, 2001.
- **February 23, 1999:** Permit modification number **POA-1993-425-N** issued to upgrade the St. Herman small boat harbor facility by installing a 160-foot drive-down vehicle ramp, constructing an additional 3,320 linear feet of concrete mooring floats, and to place nine steel breasting/mooring dolphins within the harbor. Also, provide a 60,000 square feet temporary storage zone for floats removed from the St. Paul Harbor upgrade project. The project time limit to complete the work ends on February 28, 2002.
- **May 15, 2000:** Permit modification number **POA-1993-425-O** issued to relocate a 10-foot by 160-foot timber main float and six 23-foot finger floats and anchor them with five steel piles. Construct a 300 square foot, steel pile-supported, timber approach dock and a 70-foot aluminum gangway. Additional work includes dredging approximately 200 cubic yards of material, from a 1,800 square feet area below the HTL, and discharging the material at an upland location. The project time limit to complete the work ends on March 31, 2003.
- **October 30, 2000:** Permit modification number **POA-1993-425-P** issued to construct a 2.1 acre parking area by discharging 60,000 cubic yards of shot rock fill material and 5,000 cubic yards of rip rap armor stone into a 160-foot by 1,000-foot area below the high tide line. The project time limit to complete the work ends on October 31, 2003.

- **May 8, 2003:** Permit modification number **POA-1993-425-Q** is issued to extend the project time limit to complete the work until May 31, 2006.
 - **August 3, 2006:** Permit modification number **POA-1993-425-R** issued to remove and replace/reconfigure the existing M and P floats within St. Herman Harbor. The new float M will measure 12-feet by 672-feet and will include seven 12-foot by 110-foot slips and seven 10-foot by 100-foot slips. Float P will measure 12-feet by 405-feet. A total of 100 24-inch diameter piles will be driven to anchor the float. The project time limit to complete the work ends on August 31, 2009.
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STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1993-425-S, St. Herman Harbor, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99801-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-1993-425-S, St. Herman Harbor**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.